

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 182

July 16, 1997, 7:10 pm
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FOREIGN OPERATIONS APPROPRIATIONS/Certification & Drug Trafficking

SUBJECT: Foreign Operations, Export Financing, and Related Programs Appropriations Bill for FY 1998 . . . S. 955.
Dodd/McCain perfecting amendment No. 901 to the Dodd/McCain amendment No. 900.

ACTION: AMENDMENT REJECTED, 38-60

SYNOPSIS: As reported, S. 955, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill for fiscal year 1998, will provide \$13.244 billion in foreign assistance, and will make \$3.521 billion available to the International Monetary Fund (IMF) under the new arrangements for borrowing (NAB; this amount will not be scored as an outlay or as increasing the deficit because the United States will receive in exchange another monetary asset in the form of a liquid, interest-bearing claim on the IMF, which will be backed by the IMF's gold reserves).

The Dodd/McCain amendment would suspend for 2 years, with a presidential option to suspend for a third year, the annual certification procedures for assistance for certain drug-producing and drug-transit countries. (Under those procedures, the President must state each year whether a country which is known to be a producer of or conduit for illegal drugs that enter the United States is enforcing its own laws, as well as meeting international and bilateral commitments, to combat drug trafficking. Aid is denied to any country that is not certified as enforcing its laws or meeting the international and bilateral commitments that it has made. For national security reasons, the President may waive this requirement. Congress may use an expedited process to disapprove a presidential certification. The certification procedures have been in effect since 1987.) The amendment would also express the sense of Congress: that the United States should appoint a task force to study counternarcotics efforts, particularly multilateral efforts; that drug-producing and drug-transit countries should be encouraged to do the same; and that within 1 year interested countries should have their task forces meet to compare results and to adopt a counternarcotics plan for each participating country.

The Dodd/McCain perfecting second-degree amendment would strike all after the first word and substitute text that would not make any substantive changes to the underlying amendment.

NOTE: After the vote, the underlying amendment was withdrawn.

(See other side)

YEAS (38)		NAYS (60)		NOT VOTING (2)	
Republicans (16 or 30%)	Democrats (22 or 50%)	Republicans (38 or 70%)	Democrats (22 or 50%)	Republicans (1)	Democrats (1)
Allard	Akaka	Abraham	Hutchinson	Biden	Burns ⁻²
Chafee	Baucus	Ashcroft	Inhofe	Bingaman	Glenn ⁻²
Cochran	Bryan	Bennett	Kempthorne	Boxer	
DeWine	Cleland	Bond	Lott	Breaux	
Domenici	Daschle	Brownback	Mack	Bumpers	
Gorton	Dodd	Campbell	McConnell	Byrd	
Gramm	Harkin	Coats	Murkowski	Conrad	
Hagel	Hollings	Collins	Nickles	Dorgan	
Hutchison	Inouye	Coverdell	Roberts	Durbin	
Jeffords	Johnson	Craig	Roth	Feingold	
Kyl	Kennedy	D'Amato	Santorum	Feinstein	
Lugar	Kerrey	Enzi	Sessions	Ford	
McCain	Kohl	Faircloth	Shelby	Graham	
Stevens	Landrieu	Frist	Smith, Bob	Kerry	
Thompson	Leahy	Grams	Smith, Gordon	Lautenberg	
Warner	Levin	Grassley	Snowe	Moseley-Braun	
	Lieberman	Gregg	Specter	Reed	
	Mikulski	Hatch	Thomas	Reid	
	Moynihan	Helms	Thurmond	Rockefeller	
	Murray			Torricelli	
	Robb			Wellstone	
	Sarbanes			Wyden	

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Those favoring the amendment contended:

The Dodd/McCain amendment would suspend the current, failed certification process for 2 years. During the suspension, General Barry McCaffrey, the Director of the Office of National Drug Control Policy (the Drug Czar), could bring together experts from around the world in an effort to come up with a new means of fostering international cooperation to control narcotics trafficking. In our opinion, just about any means would be better than the current process. For 10 years the United States has had the annual certification process, which requires it to sit in public judgment of other nations, many of which are its allies. This process is extremely insulting to those countries. The United States, with only 5 percent of the world's population, consumes 50 percent of the illegal drugs produced. The demand for drugs in the United States fuels illegal drug production in developing nations, which have limited resources to respond. In many cases, the national security of those countries is seriously threatened by the drug lords operating in their territory. From the point of view of many foreign nations, the United States should not be sitting in judgment of their efforts to control their huge drug trafficking problems because those problems were created by the United States.

Still, we would support this process if it worked. Unfortunately, it does not. The ultimate test of the policy must be that it reduces the amount of drugs flowing into this country. By all accounts that flow has gone up in recent years, especially from Mexico. This year the United States went through a very public debate on whether Mexico should be certified. Though Mexico clearly was failing to control drug trafficking, it was certified. The President, and a majority of Members, did not want to risk disrupting relations. If it were not certified, Mexico would be ineligible for aid, but the only aid it will take from the United States is counternarcotics assistance. Thus, failing to certify Mexico would have just made poor enforcement worse, plus it would have damaged relations between the two countries.

We have a high degree of confidence in the abilities of General McCaffrey, and we consider the current drug certification process to be a failure. Suspending the current process for 2 years so that a new approach may be developed makes eminent sense. The Dodd/McCain amendment would follow that course. We urge our colleagues to vote in favor of this amendment.

Those opposing the amendment contended:

The Dodd/McCain amendment would strike one of the most effective tools ever developed to control drug trafficking and would replace it with absolutely nothing. Our colleagues do not like the annual certification process because they say that it is insulting for other countries to be judged by the United States and because they say it does not work. We do not deny our colleagues' first claim. The citizens of other countries do not like hearing that they have been decertified. However, what is not well known both in those countries and in the United States is that the United States is not trying to hold other countries to its standards. Rather, when it certifies a country, all it does is determine whether that country is following its own laws and the international agreements that it has signed. It is not too much to expect a country to live up to its own standards and promises, and to deny it foreign assistance if it does not. If a country has signed the Vienna Convention (the United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances), then it has already promised that it will ban the production of illegal drugs, that it will adopt laws against money laundering, and that it will cooperate with information and extradition requests. If it were better understood that certifications judged countries by their own standards rather than the United States' standards, the hard feelings would be less.

However, the bruised national prides of countries are of very secondary importance. Our main concern is stopping the scourge of illegal drugs in the United States, and if the certification process helps in that regard it should be strongly supported. The evidence clearly shows that it helps. In just the past several years it has had numerous successes. For instance, under the threat of decertification, both Jamaica and the Bahamas passed new money-laundering laws in 1995 and 1996. More notably, the United States decertified Colombia in 1996 and 1997, and, despite Colombia's unhappiness with those decertifications, the result has been that Colombia has destroyed the Medellin cartel and has nearly destroyed the Cali cartel. Those two drug syndicates were among the largest in the world; now they are nearly gone. Colombia's new, aggressive actions against drug production have strengthened its government by rooting out corrupt officials. Corruption was so endemic, in fact, that Colombian officials found out that the drug cartels had even drafted the constitutional amendment that was passed to bar extradition. Having the decertification process forced the United States to face the reality that Colombia was not living up to its own standards for fighting drug trafficking; having that process led Colombia to take actions that greatly strengthened its democracy. The process may be uncomfortable, it may be insulting, but it works.

The only evidence our colleagues present for saying that it does not work is that the amount of illegal drugs entering the United States has increased in recent years, especially from Mexico. This evidence is far from persuasive. We remind our colleagues that there is a whole lot more to combatting illegal drug use than putting diplomatic pressure on other countries through the certification process. We remind our colleagues that among President Clinton's first actions on taking office in 1993 were to cut funding substantially for drug interdiction and to gut funding for the Drug Czar office (he wanted to cut its staff by 83 percent (to 25 employees) and its funding by 90 percent; he comprised with Congress slightly by keeping 40 people on staff with a slightly higher budget). Tough enforcement, drug rehabilitation, interdiction, eradication, diplomatic pressure, and other efforts are needed. Broad-

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based efforts were pursued throughout the 1980s and illegal drug use declined dramatically. Under President Clinton, it has started to climb again, especially, and most disturbingly, among teenagers. Before the last presidential election, President Clinton had a change of heart on the Drug Czar's office, asking for greater funding. We are pleased by this conversion and hope that it continues now that the election is behind him.

As for the certification process not working for Mexico, the reason it has not worked is that the United States has not had the guts to use it. Most of the increase in narcotics trafficking in recent years has been through Mexico. This increase in trafficking has occurred at the same time as the United States and Mexico have been working to remove trade barriers, and as Mexico has been working to open up its political process. The United States does not want to do anything to dampen the progress being made in these two areas, so it has wrongly refrained from acknowledging the growing drug traffic. The result has been that narcotics traffickers have been able to take advantage of the rapidly changing situation in Mexico to build huge new criminal narcotics cartels. Those cartels have become so large that they are corrupting the government and threatening further progress. This year, President Clinton clearly should have decertified Mexico or, at a minimum, used the national security waiver option. He did not (and many Members supported his decision) because he did not want the appearance of United States' interference in Mexican affairs to influence elections that were about to be held in that country. Still, even though certification was given, the public scrutiny that came from that process (which included debate and a vote in the Senate) resulted in Mexico firing 1,250 Federal law enforcement officers for being on the payrolls of drug lords, and it even fired its Drug Czar for being corrupt. If it were not for the pressure of the certification process, we do not believe those actions would have taken place.

At the beginning of this year, the State Department issued a report praising the certification process as being an unqualified success. We think that the sole reason that the Administration, and some Members, want to drop the process now, just a few months later, is because they do not want to offend Mexico by giving it the decertification that they know cannot be avoided for much longer. We are not willing to cower from this issue. Mexico, for its own benefit, is going to have to start enforcing its own laws and the international commitments it has made to fight drug trafficking. The United States, for its own citizens, cannot back away from this issue. We do not need countries to appoint commissions to decide what ought to be done--they have already agreed on what ought to be done. The Dodd/McCain amendment would abandon one of the most effective counternarcotics tools ever developed. We strongly urge the defeat of this amendment.